

ORDINANCE 1491

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 13.40, BILLING AND COLLECTION OF UTILITY CHARGES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to amend North Bend Municipal Code Section 13.40 to clarify the monthly utility billing & collection process and its related dates;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 13.40, Amended: North Bend Municipal Code Section 13.40 is hereby amended to read as follows:

Chapter 13.40 BILLING AND COLLECTION OF UTILITY CHARGES

Sections:

- 13.40.010 Title.
- 13.40.020 Definitions.
- 13.40.030 Billing – Delivery.
- 13.40.040 Utility billing – Payment Required on Due Date.
- 13.40.050 Shutoff Notice Delivery, Door Hanger and Collection Agency.
- 13.40.060 Shutoff Notice – Contents.
- 13.40.070 Shutoff Notice – Additional service charge.
- 13.40.080 Hearing – Notice.
- 13.40.090 Hearing – Procedure.
- 13.40.100 Decision of utility hearing examiner.
- 13.40.110 Discontinuance of utility services.
- 13.40.120 Reconnection – Payment required.
- 13.40.130 Unauthorized reconnection – Meter removal – Charges.
- 13.40.135 Vacancy and temporary shutoffs.
- 13.40.140 Allocation of partial payments.
- 13.40.150 Authority of city to require cash payment.
- 13.40.160 Landlord liability.
- 13.40.170 Deposits to General fund.
- 13.40.180 Charge-off of uncollectible utility charges.

13.40.010 Title.

The ordinance codified in this chapter shall be known as the “Billing and Collection of Utility Charges Ordinance for the city of North Bend,” and may be cited as such.

13.40.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

A. “Combined utility billing” means a bill for water, sewer, stormwater, floodplain management, garbage and/or other utility services provided by the city at rates established by city ordinance. Capital improvement charges, meter charges, connection charges, reconnection charges, turn-off charges and other similar charges provided for by city ordinance may be included in the combined utility billing.

B. “Customer” means the owner of the property to which utility services are provided, or the consumer of utility services or other person designated on the billing address shown in the files of the city clerk’s office.

C. “Delinquency date” means the tenth (10th) day of the month following the statement date when a combined utility bill remains unpaid.

D. “Due date” means the fifteenth (15th) day following the statement date when all outstanding combined utility billing balances must be paid in full.

E. “Statement date” means the tenth (10th) day of each month unless that date is a weekend day or legal holiday, in which case the next business day.

F. “Shutoff Notice” means a notice delivered to a customer after a delinquency date to provide them with notice of account delinquency and service discontinuance for nonpayment and advising them of the process to dispute the combined utility billing.

G. “Utility hearing examiner” means a person designated by the mayor to hear and decide billing disputes between the city and its utility customers.

13.40.030 Billing – Delivery.

A. Combined utility billings shall be delivered to the customer by depositing the same in the United States mail, first class, directed to the address shown on the application for utility service submitted by the customer to the city or on the change of address submitted by the customer to the city. Customers shall be responsible for furnishing the city with their current and correct address for billing purposes

B. Deposit in the United States mail pursuant to subsection A of this section shall be deemed full and complete notice to the customer of the nature and amount of any particular billing.

13.40.040 Utility billing – Payment Required on Due date.

The combined utility billing shall be paid in full on the due date.

13.40.050 Shutoff Notice Delivery, Door Hanger and Collection Agency.

A. After the delinquency date, the city shall provide a shutoff notice to the customer of account delinquency and service discontinuance pursuant to Section 13.40.060. Shutoff notice shall be given by depositing it in the United States mail, postage prepaid, directed to the last known address of the customer as shown on the records of the city, at least 10 calendar days prior to the date of intended termination. Deposit in the United

States mail pursuant to subsection A of this section shall be deemed full and complete notice to the customer of the delinquent account.

B. Door Hanger. On-premise notice (Door Hanger) of any impending water service shutoff may be posted up to 48-hours in advance of such water service shutoff.

C. Collection Agency. Any delinquent and unpaid utility account may be given to a collection agency for collection.

13.40.060 Shutoff Notice – Contents.

The shutoff notice of account delinquency and service discontinuance shall include the following information:

A. The name of the customer and the address to which the utility service is being provided;

B. The account number;

C. Total amount due and owing including delinquent amount;

D. Notice that all city utility services shall be terminated upon failure to pay the shutoff notice billing in full within 10 days of the date of the mailing of the notice;

E. Notice that the customer has the right to request a hearing before a utility hearing examiner.

13.40.070 Shutoff Notice – Additional service charge.

There shall be an additional service charge as established by the taxes, rates and fees schedule adopted by ordinance, added to a delinquent account as a result of the necessity for sending out the shutoff notice. Such amount must be paid in addition to the delinquent amount in order to avoid the utility shutoff.

13.40.080 Hearing – Notice.

Within two days of receipt of the customer's request for a hearing pursuant to NBMC 13.40.060, the examiner shall fix the time and place of the hearing. The examiner or his/her designee shall give written notice to the customer of the date, time and place of the hearing by depositing such notice in the United States mail, first class, addressed to the customer at his last known address as shown on the city records, at least five calendar days prior to the date of the hearing. Notice of the hearing shall also be posted on a conspicuous part of the premises at least three days prior to the hearing.

13.40.090 Hearing – Procedure.

At the hearing provided for in NBMC 13.40.080, the customer and the city shall have the right to present such evidence as is pertinent the issues, to be represented by counsel, to submit exhibits and to examine and cross-examine witnesses. However, the hearing shall be conducted informally, and formal rules of evidence shall not be followed. The purpose of the hearing shall be restricted solely as the issue of whether or not the amount alleged to be due and owing is in fact due and owing.

13.40.100 Decision of utility hearing examiner.

Within one calendar day after the hearing, the utility hearing examiner shall make his written decision and deposit a copy of the decision in the United States mail, first class, to the customer at his/her last known address as shown on the city records. In the

event the utility hearing examiner finds that the city utility services shall be discontinued, his written decision shall specify the delinquent amount and shall notify the customer that if the customer fails to pay that amount in full within 24 hours of the date of the written decision, all city utility services shall be terminated without further notice; provided, in the event of a disputed water and/or sewer services account and tender to the city administrator by the customer of the amount he claims to be due before the water and sewer services are terminated, the city shall not terminate the water or sewer service until a suit has been filed by the city and judgment entered therein in the city's favor.

13.40.110 Discontinuance of utility services.

City utility departments are authorized to discontinue and disconnect utility services to any customer pursuant to the procedures set out in this chapter. Discontinuance and disconnection shall incur a shutoff charge as specified in the taxes, rates and fee schedule adopted by ordinance. Customers shall remain responsible for furnishing the city with the current, correct address for billing purposes.

13.40.120 Reconnection – Payment required.

When utility service has been involuntarily terminated, it will not be resumed until all utility charges due to the city have been paid in full. Reconnection of service shall incur a turn-on charge as specified in the taxes, rates and fees schedule, adopted by ordinance.

13.40.130 Unauthorized reconnection – Meter removal – Charges.

In the event a city utility service which has been voluntarily or involuntarily terminated is reconnected without city approval and by other than city personnel, the city shall have the right to remove the meter and so much of the service installation as the city deems appropriate under the circumstances. Resumption of service upon removal of the meter and/or other service apparatus shall require advance payment of the city's actual cost of meter and equipment removal and reinstallation.

13.40.135 Vacancy and temporary shutoffs.

A. Vacancy Shutoff. Owners may request discontinuance of water and sewer service for periods of known vacancy not less than one calendar month or longer than six calendar months in duration. To request discontinuance, the city must be notified in writing of the date to discontinue service and the date to resume service. Only accounts then paid in full shall be permitted a vacancy discontinuance of service. Shutoff and turn-on charges shall apply as set forth in this title. At the end of the requested discontinuance period, base service fees shall be reinstated.

B. Temporary Shutoff. Owners may request temporary shutoff of water services when it is necessary for performing home maintenance, yard maintenance, or any other reason the owner deems appropriate. For shutoffs and turn-ons scheduled during regular city business hours, owners shall be billed a shut-off charge and turn-on charge as specified in the city's taxes, rates and fee schedule, adopted by ordinance. A higher charge, as specified in the city's taxes, rates and fee schedule, shall apply for expedited

shutoff requests and for after-hours shutoff. No portion of the owner's bill shall be credited as a result of a temporary shutoff.

13.40.140 Allocation of partial payments.

Whenever any partial payment of a utility billing is received, the amount paid shall be credited to outstanding charges in the following order of priority:

- A. Interest;
- B. Penalties;
- C. Taxes;
- D. Garbage;
- E. Sewer;
- F. Water.
- G. Stormwater
- H. Floodplain Management

13.40.150 Authority of city to require cash payment.

The city reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

13.40.160 Landlord liability.

Owners of leased premises served by the utilities furnished by the city are liable for payment of the cost of any utilities furnished by the city to such premises. Utility service shall only be furnished upon the application and request of the owners of the premises. Owners of any leased premises, or the owners' agent if leasing is through an agent, shall be notified of delinquency in the same manner as notice is provided to the customers pursuant to NBMC 13.40.050 and 13.40.060.

13.40.170 Deposit to General fund.

All late fees, interest and returned check charges for any city of North Bend water, sewer, stormwater, floodplain management, or sanitation customer account shall be paid into the city of North Bend General fund as reimbursement to the city for the cost of processing late payments and returned checks.

13.40.180 Charge-off of uncollectible utility charges.

The finance manager, or his/her designee, may charge off any utility charge, penalty, or interest that is owed by a ratepayer, if the finance manager, or his/her designee, reasonably ascertains that the cost of collecting such amounts would be greater than the total amount that is owed or likely to be collected from the ratepayer. Charge-offs in excess of \$500.00 shall first require city council approval.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF JUNE, 2013.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: June 12, 2013
Effective: June 17, 2013

Susie Oppedal, City Clerk